

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY**

**Kegler Brown Hill & Ritter Co., LPA,                   :           Case No. 23 EX 125**

**Judgment Creditor,                                       :           Judge J. Brown**

**vs.                                                               :**

**Carlo M. Croce,                                           :**

**Judgment Debtor.                                       :**

**MOTION TO SELL PERSONAL PROPERTY SEIZED BY SHERIFF  
BY PRIVATE SELLING OFFICER**

Now comes Plaintiff/Judgment Creditor Kegler Brown Hill + Ritter Co., LPA (“Plaintiff”), by and through counsel, and hereby moves this Court to permit the sale of personal property assets seized on May 31, 2023, by the Franklin County Sheriff (“Sheriff”) by Writ of Execution. The personal property seized and tagged by the Sheriff consists of at least 300 “Old Masters” paintings and drawings (“Art”) owned by Judgment Debtor Carlo M. Croce (“Defendant”). The Art tagged by the Sheriff known as “Old Masters” works refers to works of art created by any artist who worked in Europe between the Renaissance and 1800. Because the Art is highly specialized and requires an art seller beyond the skills and qualifications of the Sheriff, Plaintiff seeks an order from this Court to permit such Art to be sold by Sotheby’s, a specialized auction house.

The reasons for this Motion are more fully set forth in the attached Memorandum in Support.

Submitted by:

/s/ Maria Mariano Guthrie  
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## **MEMORANDUM IN SUPPORT**

### **I. BACKGROUND**

Plaintiff obtained a judgment against Defendant on December 8, 2022, in the amount of \$1,098,642.80, together with interest and Court costs. Defendant filed a Notice of Appeal of the judgment on January 5, 2023. Defendant also requested a stay of execution on the judgment. However, this Court denied Defendant's Motion stating, "Further enforcement of the Judgment may also proceed until an appropriate supersedeas bond or other security such as an irrevocable letter of credit in the full amount of the Judgment plus post-Judgment interest for at least 18 months at the legal rate is tendered and approved by the Court." See Journal Entry entered on January 5, 2023.

Defendant has not posted a supersedeas bond or filed any other security with the Court to stay executions.

On May 31, 2023, pursuant to a Writ of Execution and Alias Writ of Execution, entered as 23 EX 00125, the Sheriff levied, seized and tagged Art located at Defendant's home located at 2140 Cambridge Boulevard, Upper Arlington, Ohio 43221. Copies of the artwork tagged by the sheriff are attached hereto as **Exhibits 1-1 through 1-10**.

### **II. A PRIVATE SELLING OFFICER IS WARRANTED FOR THE ARTWORK.**

Generally, a sheriff's office will sell personal property tagged and seized by levy execution. Such process requires appraisal by the sheriff as well as three disinterested appraisers. Ordinarily, the sheriff would then hold a public sale of the property. However, the property seized by the sheriff is collectible artwork of Old Master painters created between the Renaissance and the

1800s. The sheriff's office does not have the capability of appraising such artwork or of locating three disinterested appraisers in this specialty. The sheriff's office appraisers primarily consist of real estate appraisers and have no expertise in artwork, let alone specific Old Masters' artwork. Further, the sheriff's office does not have the capability to market and sell this kind of artwork, which would be purchased by very specialized art collectors worldwide – not just in Franklin County. In addition to lack of expertise, the sheriff's office does not have the expertise to transport, package and protect the artwork for sale and has no place to store the valuable artwork and/or to insure such art.

In these circumstances, the retention of Sotheby's, a well-known specialized auction house with a particular expertise in Old Masters artwork, is the appropriate private selling officer to sell this type of artwork. As set forth in Exhibit 2, Sotheby's is the world's oldest and largest internationally recognized firm of fine art. Sotheby's has an Old Master's Department that specializes in appraising, marketing and selling this type of artwork. Additionally, Sotheby's has reviewed this artwork in the past at the request of Dr. Croce and is fully capable of researching the provenance of each piece of art, appraising the artwork, and marketing to specific buyers worldwide. Sotheby's is familiar with the timing of such sale of artwork, including how, when and where to market this artwork. Further, Sotheby's has expertise in transporting and storing artwork, insuring the protection of such artwork pending a sale, and can easily transport the artwork to purchasers around the world.

Additionally, with Sotheby's expertise, Sotheby's can maximize the recovery with the sale of specific pieces of artwork rather than selling the entirety of the Debtor's collection. Here, the sheriff has tagged over 300 pieces of art at the Debtor's home. Sotheby's has reviewed the artwork levied upon by the sheriff and has recommended the sale of specific pieces of artwork that will

maximize value of the property sold. See Exhibit 2. It is estimated that such a sale should satisfy the judgment of Plaintiff.

Sotheby’s regularly holds auctions of Old Master paintings in December and/or January of each year. It is important that the Court promptly appoint Sotheby’s to act as a private selling officer so that the artwork can be assessed and transported in sufficient time to be included in the catalogs for the December and/or January sale.

**III. CONCLUSION**

For these reasons, Plaintiff respectfully moves this Court to permit Sotheby’s to act as a private selling officer of the artwork levied upon by the Sheriff. A proposed Entry is submitted for this Court’s consideration.

Submitted by:

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of July, 2023, I caused foregoing to be electronically filed with the Clerk of Court using the e-filing system which will send notification to such filing counsel of record:

Andrew Mills Holford, attorney for Judgment Debtor

/s/ Maria Mariano Guthrie  
Maria Mariano Guthrie (0068049)